

### Support or Opposition to Exemptions from the Prohibition

No.	Comment		Parties	Page #	Response
127	Repairs and upgrades		City	103	Staff concurs that, during the interim period from 2009 to 2014, all dischargers should be allowed to repair and properly maintain their OWDSs. The resolution contains such a provision.  The City has proposed that residents be allowed to expand flows. Staff is concerned about the expansion of flows but supports the concept of repairs and upgrades without flow increases since the objective of the prohibition is to restore the beneficial uses of water resources in the area.
			Latham and Watkins	430 - 431	
128	Undeveloped properties	Do NOT exempt between 2009 and 2014.	BayKeeper	219	Staff considered crafting language to define a cut-off point in the City and County's permitting pipeline. However, after further discussions, the City and County agreed to provide lists of specific projects in the permitting pipeline that they propose to exempt. When language is formally proposed, staff will be able to determine whether the temporary exemption warrants support.
		Provide exemption, as developers have significant investments and should not be held hostage.	MHAB (Adamson)	479 - 481	
			MHAB (Gaines)	482 - 485	
			Latham and Watkins	428 - 431 440 - 441	
			Towing	497	
		Exemption for lots over 5 acres like in Oxnard Forebay	HRL Laboratories	318	The exemption for lots over 5 acres was provided in the Oxnard Forebay in recognition of a few large ag properties, where a small domestic septic system served a home for owners or renters on farms. Staff does not support a similar exemption for the Malibu Civic Center area.
129	'Zero Discharge' projects should be exempted.		La Paz (Cox)	419	Staff has eliminated this exemption, which was in the July 31 <sup>st</sup> draft, after reviewing public comments. All of the comments, taken together, demonstrate the difficulty of proposing an exemption for "zero discharge" projects that will make progress towards the objective of restoring beneficial uses of water quality, due to design and operational constraints. However, staff will propose to the Board that specific projects, listed by the City and the County by Nov 5 <sup>th</sup> , be exempted because those projects are "in the pipeline", on the condition that those exempted projects meet the 2014 deadline to terminate discharges.
			Latham and Watkins	437	
			Towing	497	
130	'Zero Discharge' projects should NOT be exempted.		Bay Restoration Commission	195	Opposition acknowledged. Staff removed this exemption in the Oct 21 <sup>st</sup> draft resolution.
			BayKeeper	218	
			Heal the Bay	236	
			Malibu Surfing Assn	239	